



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Jean-Claude JAMMET et al. : Group Art Unit: 1772
Serial No.: 09/544,613 : Examiner: RHEE, Jane J.
Filed: April 6, 2000 :
For: COEXTRUSION BINDER, ITS USE FOR A MULTILAYER STRUCTURE AND
THE STRUCTURE THUS OBTAINED

At 10/12/02
12/12/02
RECEIVED
DEC 12 2002
TC 1700

R E P L Y

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

Please consider the remarks as a response to the Office Action mailed on August 7, 2002.

R E M A R K S

The Rejection under 35 USC § 102

Claims 10-15 and 17-22 were rejected under 35 USC § 102(b) as allegedly anticipated by Nagano et al. (0035392).

The Office Action alleges that Nagano discloses the same layers described by the Applicants. Applicants respectfully disagree.

In order for a reference to anticipate a claimed invention, it must teach every element of the claimed invention. Nagano teaches a layer (A) consisting of (i) a graft-modified ethylene and (ii) an unmodified ethylene polymer. See specification on page 4, lines 4-18. The current invention is directed to a coextrusion binder having polymer (A) and an unmodified polyethylene (B). The polymer (A) is a blend of polyethylene (A1) and polymer (A2) selected from the group consisting of elastomers, very low-density polyethylenes and metallocene polyethylenes, both of which are grafted with an unsaturated carboxylic acid. There is nothing in the reference, which teaches a combined grafted component such as that of Applicants' (A1) and (A2) which are both grafted. In Nagano, only a single component is grafted. In Nagano, (A) consists of (i) a grafted